

Appl. No.: 09/833,173

Amdt. dated: 10/4/2006

Reply to Office Action of April 4, 2006

REMARKS

Upon entry of the instant amendment, claims 1-7 are pending. Claim 1 has been amended to more particularly point out the applicant's invention. It is respectfully submitted that upon entry of the instant amendment, the application is in condition for allowance.

CLAIM REJECTIONS-35 USC § 112

Claim 1 has been rejected under 35 USC § 112, second paragraph for being indefinite. It is respectfully submitted that Claim 1, as amended, obviates this rejection. Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 1-7 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al, U.S. Patent No. 6,669,944 ("the Jones et al patent") in view of Birrell et al, et al., U.S. Patent No. 6,332,175 ("the Birrell et al patent"). It is respectfully submitted that the Examiner has failed to make a *prima facie* case of obviousness.

As set forth in Section 2143 of the MPEP:

"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference, or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. The teaching or suggestion to make the claim combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure."

It is respectfully submitted that neither the Jones et al nor the Birrell et al. patents disclose all of the elements of the claims as required by the MPEP section quoted above. Indeed, the

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claims recite a computer platform which includes a main process for processing but not decrypting digital data which also includes a peripheral bus that is not accessible by any playback applications running on the computing platform. As recited in the claims, the computing platform passes encrypted or encoded digital data to the playback device. The playback device decodes or decrypts the digital data. The Jones et al patent teaches away from such a configuration. In particular, the Examiner's attention is directed to Fig. 2 and Col. 9, line 17 ("... PC 64 contains a public key encryption technology..."). Thus, it should be clear that the Jones et al patent teaches decryption at the computing platform in contradistinction to the invention recited in the claims at issue. The Birrell et al patent is unconcerned with secure playback of encrypted digital content. For all of the above reasons, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Respectfully submitted,

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